

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

BRIDGECREST	)	
ACCEPTANCE CORPORATION,	)	
an Arizona Corporation,	)	
	)	CASE NO.:
Plaintiff,	)	
	)	
v.	)	(Formerly Circuit Court of
	)	St. Louis County, Missouri)
RICHARD SADDLER, an	)	
individual,	)	
	)	
Defendant,	)	
	)	

**NOTICE OF REMOVAL**

**AND MEMORANDUM IN SUPPORT THEREOF**

Plaintiff, RICHARD SADDLER, hereby removes Case No. 21SL-CC01705 from The Circuit Court of Saint Louis County, Missouri, Associate Circuit Division to the United States District Court for the Eastern District of Missouri pursuant to 28 U.S.C. §§ 1331, 1441, and 1446 and as grounds for its removal states as follows:

**STATEMENT OF THE CASE**

1. On April 15, 2021, Bridgecrest electronically filed a Petition in The Circuit Court of Saint Louis County, Missouri, Associate Circuit Division in case

number 21SL-CC01705 (the “State Court Action”). A copy of the Petition is attached as **Exhibit 1A** hereto.

2. Defendant, RICHARD SADDLER, has filed a counter petition against BRIDGECREST ACCEPTANCE CORPORATION, (“Bridgecrest”) and as Third Party Plaintiff against Third Party Defendants SILVERROCK GROUP INC, (“SilverRock”), CARVANA, LLC (“Carvana”), and DRIVE TIME AUTOMOTIVE GROUP INC, (“Drive Time”). A copy of this counter petition is attached as **Exhibit 1B** hereto.
3. In the counter petition the following is alleged:
4. Drive Time is the parent company and has spun off Carvana, SilverRock, and Bridgecrest.
5. Drive Time is a private company that is owned by Ernest Garcia II.
6. Ernest Garcia II was a player in the savings and loan crisis in the late 1980s and he pled guilty to a felony fraud charge in 1990, so therefore he unable to be a CEO of a publicly traded corporation.
7. Carvana was founded in 2012 by Ernest Garcia III, Ryan Keeton, and Ben Huston. Carvana went public on April 28, 2017, its shares ended that day at \$11.10. On January 24, 2020, Carvana shares were \$83.11, with highest value being \$99.19 in December 2019.

8. Bloomberg reported that Ernest Garcia II's felony conviction was not disclosed in Carvana's Security and Exchange Commission filings according to an article in Forbes.
9. The two largest shareholders of Carvana are Ernest Garcia II and Ernest Garcia III, who combined own a super majority of Carvana shares which provides them with controlling voting rights.
10. On or about November 19th, 2014, the Consumer Financial Protection Bureau ("CFPB") took action against a "buy here, pay here" car dealer named Drive Time and fined them a civil money penalty of \$8,000,000.
11. "The CFPB noted that 'at least 45 percent of Drive Time's auto installment contracts were delinquent at a given time'."
12. Shortly thereafter Drive Time spun off its' loan servicing division and renamed it Bridgecrest Acceptance Corporation.
13. To Saddler's belief and knowledge, Drive Time owns approx. 99% of Bridgecrest and approx. 99% of SilverRock.
14. These allegations create a number of federal issues.

#### **JURISDICTION UNDER 28 U.S.C. § 1331**

15. This Court has jurisdiction over this matter under 28 U.S.C. § 1331, the district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

16. Bridgecrest has committed Fraud in the Inducement which Defendant has pled pursuant to Federal Rule of Civil Procedure Rule (9) (b).
17. Attached to this Notice of Removal is an Counter Complaint which adds three (3) additional parties as Third Party Defendants as civil cause of action Fraud in the Inducement which has been pled pursuant to Federal Rule of Civil Procedure Rule (9) (b).
18. The Defendant is seeking damages in excess of \$75,000, exclusive of interest and costs, is at stake

**ALL PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN  
SATISFIED**

19. Pursuant to 28 U.S.C. § 1446 (a) and Local Rule 2.03, a true and correct copy of all of the process, pleadings, orders, and documents from the State Court Action are being filed with this Notice of Removal.
20. Plaintiff will file true and legible copies of all other documents on file in the State Court Action within thirty (30) days of the filing of this Notice of Removal.
21. Venue is proper in this court pursuant to 28 U.S.C. §§ 1441 (a) and 1446 (a) because the U.S. District Court for the Eastern District of Missouri is the



Federal judicial district embracing the Circuit Court of St. Louis County in which the State Court Action was originally filed.

22. Removal of Case No. 21SL-CC01705 from the Circuit Court of St. Louis County, Missouri to the United States District Court for the Eastern District of Missouri will not prejudice the Defendant.
23. The failure to grant removal of the State Court Action to the United States District Court for the Eastern District of Missouri will prejudice Saddler who is the Defendant and Third Party Plaintiff.
24. Removal of the State Court Action to the United States District Court for the Eastern District of Missouri would keep all legal claims from each party to be filed into a single legal action.
25. This Court should consider and weigh the values of judicial economy; convenience; fairness; and comity in granting removal of the State Court Action to the jurisdiction of this Court.

### **CONCLUSION**

By this Notice of Removal, Plaintiff does not waive any objections he may have as to service, jurisdiction or venue, or any other defenses or objections he may have to this action. Plaintiff intends no admission of fact, law, or liability by this Notice, and expressly reserves all defenses, motions and/or pleas.

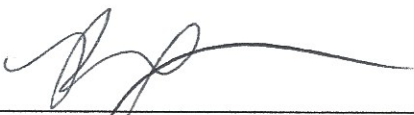


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RICHARD SADDLER

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via Process Server and or emailed, and or certified US Postal Service to the registered agents or Representatives listed below on this 1st day of September 2021.



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RICHARD SADDLER

**RECIPIENTS:**

BRIDGESTONE ACCEPTANCE CORPORATION,  
Attention; attorney Scott Rabin, 15280 Metcalf Ave, Overland Park, KS 66223

CARVANA, LLC,  
Attention; attorney Tom McFarland (tmcfarland@garm.com)

DRIVETIME AUTOMOTIVE GROUP INC,  
Certified mail to: 8825 N 23<sup>rd</sup> AVE, Suite 100, Phoenix, AZ 85021

SILVERROCK GROUP INC,  
Certified mail to: 7465 East Hampton Ave, Mesa, AZ 85209